

Exhibit “DDD” to Amended Verified Petition

LAW OFFICES

WERNER & SAFFIOTI, LLP

5031 ROUTE 9W
 AT INTERSTATE 84
 NEWBURGH, NEW YORK 12550

file

(845) 562-3500
 FAX (845) 562-3117

FAX SERVICE NOT ACCEPTED

JEFFREY RUSSELL WERNER
 (NY, MD, D.C. BAR)

LOUIS WERNER
 1917-2000

JOSEPH M. SAFFIOTI

MICHELLE ANDERSON

July 17, 2006

Anthony Trapini, Chairman
 Town of Montgomery Planning Board
 Montgomery Town Hall
 110 Bracken Road
 Montgomery, NY 12549

**Re: SUP Permit – Lands of Mehlon Trucking Inc.
 Kings Hill Road, Town of Montgomery, NY**

Dear Chairman Trapini:

I am writing to you on behalf of this firm's client, Mehlon Trucking Inc., concerning its pending application before the Town of Montgomery Planning Board for a Special Use Permit for the operation of a mine on its property located at Kings Hill Road, Town of Montgomery.

The Town of Montgomery Planning Board accepted our client's application for a Special Use Mining Permit, held a public hearing on our client's application, and referred our client to the New York State Department of Environmental Conservation ("NYS DEC") to obtain a mining permit for the site.

I am happy to report that the NYS DEC has completed its review of our client's application. The NYS DEC acted as lead agency under the SEQRA review and has issued a negative declaration for this project. In addition, the NYS DEC has approved our client's application for a mining permit. I am enclosing for your file a copy of the NYS DEC negative declaration and mining permit.

At this time, our client wishes to return the Town of Montgomery to finalize its application for its Special Use Permit with the Town of Montgomery Planning Board. I would request that you review the above and advise when our client may reappear before your Board.

Very truly yours,
WERNER & SAFFIOTI, LLP

By: JOSEPH M. SAFFIOTI

Enclosure(s)

cc: Mehlon Trucking Inc., Attn: Leon Mehl
 Vincent J. Doce Associates, Attn: James Raab